

## **REMARKS/ARGUMENTS**

Claims 1 to 5, 8 to 10, and 12 to 15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1 and 8 to 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sasa (EP 375 162). Claims 3 to 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasa.

Claims 1 and 11 have been amended.

Reconsideration of the application is respectfully requested based on the following.

### **35 U.S.C. § 112 Rejections**

Claims 1 to 5, 8 to 10, and 12 to 15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 1 has been amended to recite “controlling the creep parameter using a vehicle speed setpoint so that when the brake actuating element is increasingly actuated, the vehicle speed is reduced.”

This is disclosed for example in [0029], and the claim language is respectfully submitted as clear.

Withdrawal of the rejection to claims 1 to 5, 8 to 10, and 12 to 15 is respectfully requested.

### **35 U.S.C. § 102 Rejections**

Claims 1 and 8 to 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sasa (EP 375 162).

Sasa discloses that during a creep mode it sets the clutch engagement amount or position linearly as a function of the amount of brake pedal depression.

Admittedly, clutch engagement amount varies the speed of a vehicle, but the actual speed of the vehicle will vary for example depending on whether the vehicle is on a hill, clutch wear, etc.

Claim 1 has been amended to recite “controlling a speed of the vehicle using a vehicle speed setpoint for the creep parameter so that when the brake actuating element is increasingly actuated, the vehicle speed is reduced.”

Claim 11 has been amended to recite “controlling a speed of the vehicle using a vehicle speed setpoint so as to reduce vehicle creep as the brake actuating element is increasingly actuated.”

Claim 16 recites “controlling the automated clutch to attain a vehicle speed setpoint, the vehicle speed setpoint being reduced as the brake actuating element is increasingly actuated.”

Sasa does not control a clutch using a vehicle speed setpoint, but rather a clutch engagement amount. The speed of the Sasa vehicle can vary depending on for example clutch wear and the slope of the vehicle on it, and thus there is no setpoint for the vehicle speed.

The present invention advantageously can use set a desired vehicle speed as a setpoint so that for example displacements of the clutch measuring point do not need to be taken into account directly. See for example [0029] to [0033].

Withdrawal of the rejection to claims 1 and 8 to 16 is respectfully requested.

With further respect to claims 12 and 13, claim 12 recites wherein the speed of the vehicle is controlled so as to vary linearly with actuation of the brake element and claim 13 recites wherein the speed of the vehicle is controlled so that the speed of the vehicle equals  $(B_{MAX}-B/B_{MAX}) \cdot V_{MAX}$  for  $B < B_{MAX}$  and zero for  $B > B_{MAX}$ , where B is the brake actuation,  $B_{MAX}$  is a maximum creep brake actuation, and  $V_{MAX}$  is the maximum vehicle creep when the brake is not actuated.

Sasa provides no information on the actual vehicle speed, but rather the only on the clutch engagement amount. The speed of a vehicle is not dependent solely on the clutch engagement amount, and thus Sasa also does not disclose the limitations of claims 12 and 13 and thus withdrawal of the rejection of these claims for this reason as well is respectfully requested.

### 35 U.S.C. 103 Rejections

Claims 3 to 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasa.

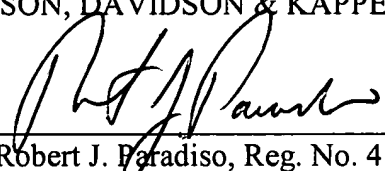
In view of the amendments to claim 1, withdrawal of the rejection to claims 3 to 5 is respectfully requested.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
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